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C O N F I D E N T I A L SECTION 01 OF 03 ISLAMABAD 001562

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SUBJECT: PAKISTAN'S OPTIONS ON FISSILE MATERIAL CUTOFF
TREATY

REF: 7/13/2009 DALTON -

MCCLELLAN/SCHULTZ/OEHLBERT/SCHEINMAN EMAIL

Classified By: Anne W. Patterson for reasons 1.4 (b), (d)

¶1. (C) Summary: In late June, Embassy Energy Attach was given a pre-publication draft of a paper (ref) written by Kurshid Khan, an officer formerly with the Arms Control and Disarmament Affairs Section of Pakistan's Strategic Plans Division (SPD). The paper details Pakistan's views and options on the Fissile Material Cutoff Treaty (FMCT). Khan is rumored to be in the running to replace Air Commodore Khalid Banuri as SPD Director for Arms Control and Disarmament Affairs, and, therefore, could play a significant policy-making role on FMCT in the future. He concludes that an FMCT in any guise is likely to have more effect on Pakistan than any of the other states with nuclear weapons and that "in its envisaged form, FMCT does not serve the strategic interest of Pakistan." End Summary.

¶2. (C) In late June, Embassy Energy Attach was given in confidence a pre-publication draft of a paper written by Kurshid Khan, an officer formerly with the Arms Control and Disarmament Affairs Section of Pakistan's Strategic Plans Division (SPD). Khan details Pakistan's views and options on the Fissile Material Cutoff Treaty (FMCT) under discussion at the Conference on Disarmament (CD) in Geneva. The paper is intended to be published by the South Asian Strategic Stability Institute, an Islamabad-based NGO dedicated to nuclear and strategic issues; SPD has held up publication for unknown reasons. The paper, titled "Fissile Material Cutoff Treaty: An Overview from Pakistan's Standpoint," describes the history of FMCT negotiations, the current status, and emerging trends, and discusses implications and negotiating options for Pakistan.

¶3. (C) Khan begins by noting that Pakistan has consistently supported the Shannon Mandate since 1993, seeking a "non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices while taking into account existing fissile material stocks." However, the paper continues, Pakistan has sought to delay negotiations "because it was interested in acquiring sufficient stockpiles of fissile material to achieve relative strategic parity with India and to have a strong deterrent capability." Some have suggested an interim

moratorium while negotiations are underway, but Khan states that Pakistan cannot accept even a temporary moratorium because it could "perpetually freeze the asymmetric strategic advantages" held by India and would not be subject to verification.

Critical Issues

14. (C) One of the key issues for Pakistan is whether to include existing stocks in the treaty, or simply freeze future production. Khan admits to being of two minds on this issue. On the one hand, Pakistan is interested in declaring and reducing existing stocks "because it fears that a cutoff treaty could lock it into a position of disadvantage relative to India." On the other, "Pakistan would not like to declare its existing stocks, too." In his analysis, Pakistan's "alternate route to build new Plutonium production reactors" needs time to mature. Pakistan should maintain flexibility given changes in India's strategic posture, he argues, namely an increase in India's fissile material production capability due to the Indo-U.S. civil nuclear cooperation initiative, development of a second strike capability, and construction of an anti-ballistic missile system.

15. (C) A second issue important to Pakistan is the extent to which the treaty will include verification mechanisms. "Pakistan is of the view that a verifiable FMCT will be able to control the spread of nuclear materials, enhance the proportion of weapon usable material under international

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safeguards, strengthen nuclear export control and reduce the discrimination in the present NPT regime, thus it will serve Pakistan's interest better without being subjected to any discriminatory treatment," Khan asserts. He argues that a treaty lacking a verification regime and reliant on national technical means "would be discriminatory and against the national interests of many developing states, and Pakistan would be no exception." Moreover, a verification regime "will be necessary to guarantee successful implementation" of the treaty, and a "mere normative, soft law treaty would not serve the purpose of nonproliferation and disarmament." Khan acknowledges, however, that negotiating verification will be "very tricky and would take considerable time."

16. (C) While much of the paper is devoted to analysis of the issues noted above, Khan repeatedly raises concerns that the long impasse on FMCT negotiations, coupled with renewed U.S. interest in negotiating a verifiable treaty, may lead the nuclear weapon states to move negotiations outside the CD. He hypothesizes that "under the garb of the global war on terror" and in light of international media attention to terrorist threats to Pakistan's nuclear weapons, the P-5 plus India and Israel could opt to pursue an alternate negotiating route. In such a scenario, he worries, "the UN Security Council may provide an alternate forum where Pakistan and possibly Iran may be stretched to their limits. UNSC Resolution 1540 has already set a precedent to target a few nuclear proliferation concerned countries." "The bottom line for Pakistan," he suggests, "should be that the U.S. should not be provided an excuse to destroy the principal and relatively effective multilateral negotiating forum where countries like Pakistan and the non-nuclear weapon states have a say in international disarmament treaty-making."

GOP Options

17. (C) Considering the recent progress in negotiations, Khan opines, "Pakistan should consider taking the pragmatic course and drop its demand for inclusion of existing stocks in the treaty at an appropriate stage," and let the negotiations proceed. He argues that during the negotiations, Pakistan should raise its security concerns and seek to address them in the treaty text. He suggests that Pakistan seek insertion

of language that would "reserve the right to develop fissile material to maintain its 'minimum credible nuclear deterrence' capability if a serious asymmetry in conventional military balance is observed due to India's ambitious anti-ballistic missile defense program." Similarly, Pakistan might reserve the right to respond if India expands its nuclear weapons program, he asserts.

18. (C) Despite his willingness to allow negotiations to proceed, he suggests that Pakistan's security interests are unlikely to be addressed. "From 2010 onwards, Pakistan may have to protect its supreme national security interests in the CD and other forums single-handedly. Pakistan would need to maintain 'credible nuclear deterrence,' with the lowest possible number of nuclear weapons, consistent with its national security needs. But what it requires for minimum credible deterrence vis-a-vis India is not easy to quantify in concrete terms. Pakistan may be compelled to take an undesirable step of blocking consensus as a last ditch effort," he writes. He acknowledges that Pakistan may not be able to withstand the pressure to join consensus, and in such a case Pakistan must use the time between signing and entry into force, which he estimates at five years, to close the gap with India on fissile material stocks. He concludes that an FMCT in any guise is likely to have more effect on Pakistan than any of the other states with nuclear weapons and that "in its envisaged form, it does not serve the strategic interest of Pakistan."

Comment: Why Khan's Views Matter

19. (C) Although he has rotated out of SPD to another

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assignment, Khan is rumored to be in the running to replace Air Commodore Khalid Banuri as SPD Director for Arms Control and Disarmament Affairs, and, therefore, could play a significant policy-making role on FMCT in the future. As an institution, SPD tends to be less ideological, though still conservative, on multilateral arms control and nonproliferation arrangements, opposing measures that would impede Pakistan's strategic program. Khan's assessment of Pakistan's FMCT options, and, in particular, his assertion that Pakistan should resist language that would constrain its ability to maintain relative strategic parity with India, is a fair reflection of this institutional bias. Given Pakistan's unique circumstances, as FMCT negotiations proceed it seems likely that Pakistan will be forced to move past traditional Non-Aligned Movement positions and, instead, mount a pragmatic defense of its nuclear deterrence requirements as determined by SPD. End Comment.
PATTERSON